IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.THANKAPPAN

MONDAY, THE 5TH MARCH 2007 / 14TH PHALGUNA 1928

Crl.L.P..No. 158 of 2007()

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CC.483/2004 of J.M.F.C.,ALATHUR

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PETITIONER/COMPLAINANT:

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VIJAYALAKSHMI, D/O KRISHNAN,
AGED 37 YEARS, RESIDING AT KAVATHU VEEDU,
NELLIYAMKUNNAM, KAVASSERY, ALATHUR,
PALAKKAD DISTRICT.

BY ADV. SRI.T.MADHU
SRI.D.M.SAJEEVAN

RESPONDENTS: STATE & ACCUSED

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1. STATE OF KERALA,
REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

2. KRISHNAN, S/O KANDAN, AGED 61 YEARS,
RESIDING AT KUDAPRANI KALATHIL VEEDU,
KATTUSSERY, VANOORM, ALATHUR.

3. SURENDRAN, S/O KRISHNAN, AGED 34 YEARS,
RESIDING AT KUDAPRANI KALATHIL VEEDU,
KATTUSSERY, VANOOR, ALATHUR.

4. VISALAKSHI, W/O KRISHNAN,
AGED 49 YEARS, RESIDING AT KUDAPRANI KALATHIL
VEEDU, KATTUSSERY, VANOOR, ALATHUR.

5. RAJAN, S/O VELAYUDAN, AGED 52 YEARS,
RESIDING AT KAVATHU HOUSE,
NELLIYAMKUNNAM, ALATHUR.

6. VELLACHI, D/O MURUKAPPAN,
AGED 49 YEARS, RESIDING AT PADINJARETHARA,
NELLIYAMKUNNAM, ALATHUR.

7. RAJENDRAN, S/O KRISHNAN,
VANOOR, ALATHUR.

R1-BY P.P.SRI.P. RAVINDRA BABU

THIS CRIMINAL LEAVE PETITION HAVING COME UP FOR ADMISSION ON 05/03/2007,THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

**K. THANKAPPAN, J.**

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**CRL.L.P.NO.158 OF 2007**

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**Dated this the 5th day of March, 2007.**

**O R D E R**

The complainant in C.C.No.483/2004 on the file of the Judicial Magistrate of First Class, Alathur, is the petitioner. It is complained before the magistrate that the petitioner/complainant was attacked by the respondents/accused six in number on 24.11.2001 at about 1 p.m in connection with a dispute regarding the property stood in the name of the father of the petitioner. It is further alleged in the complaint that the respondents and some others assembled into an unlawful assembly on the day of the incident and they came to the spot with deadly weapons and after having attacked the complainant, she was abandoned by the accused and subsequently she filed a complaint before the police. But the police had referred the case. Hence, she filed a protest complaint before the court. To prove the case against the respondents, the complainant herself was examined as PW1 and other witnesses were also examined. The complainant also proved Ext.P1 wound

certificate issued by PW3, the doctor. After having considered the entire evidence, the trial court found that the complainant/petitioner failed to prove any case against the respondents. Hence, the respondents were acquitted. The learned counsel appearing for the petitioner submits that the trial court had not considered the entire evidence adduced by the complainant to prove the case against the respondents. But, after going through the judgment of the trial court and other records made available, this Court is of the view that the trial court had considered the entire evidence adduced by the complainant and found that the complainant/petitioner failed to prove any case against the respondents. The trial court also found that the injury alleged to have been found on the body of the complainant is also due to a fall and the doctor also had not stated anything about the nature of the injury noted in Ext.P1. That apart, the eye witnesses including the complainant had not given true version of the case before the court. Hence, the trial magistrate found that the evidence adduced by the complainant to prove the case is not sufficient to hold that the respondents have committed any offence against the petitioner/complainant.

2. In the above circumstances, this Court is of the view that the trial court had fully justified in acquitting the respondents in the above case and the impugned judgment does not require any interference by this Court.

Accordingly, leave to appeal stands dismissed.

**K. THANKAPPAN, JUDGE.**

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